

10/01/2020

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

**PLAINTIFFS**

Melvin Alexander Lorenzo Duarte

**DEFENDANTS**

Empire Bagels, Inc., Empire Bagels Brewster Inc., Empire Bagels Carmel Inc., Empire Bagels Cross River Inc., Empire Bagels Fishkill Inc., Empire Bagels Harrison Inc., and Jay D'Angelo

**ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**  
Pechman Law Group PLLC, 488 Madison Avenue, New York, NY, 10022  
(212) 583-9500

**ATTORNEYS (IF KNOWN)****CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)**

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No  Yes  Judge Previously Assigned \_\_\_\_\_

If yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

**IS THIS AN INTERNATIONAL ARBITRATION CASE?**No  Yes 

(PLACE AN [X] IN ONE BOX ONLY)

**NATURE OF SUIT**

		TORTS	ACTIONS UNDER STATUTES			
<input type="checkbox"/>	CONTRACT	PERSONAL INJURY	PERSONAL INJURY <input type="checkbox"/> 367 HEALTHCARE/ PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY	FORFEITURE/PENALTY <input type="checkbox"/> 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881	BANKRUPTCY <input type="checkbox"/> 422 APPEAL 28 USC 158	OTHER STATUTES <input type="checkbox"/> 375 FALSE CLAIMS
<input type="checkbox"/> 110	INSURANCE	<input type="checkbox"/> 310 AIRPLANE <input type="checkbox"/> 315 AIRPLANE PRODUCT	<input type="checkbox"/> 365 PERSONAL INJURY PRODUCT LIABILITY	<input type="checkbox"/> 690 OTHER	<input type="checkbox"/> 423 WITHDRAWAL 28 USC 157	<input type="checkbox"/> 376 QUI TAM
<input type="checkbox"/> 120	MARINE	<input type="checkbox"/> 320 ASSAULT, LIBEL & SLANDER	<input type="checkbox"/> 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	PROPERTY RIGHTS <input type="checkbox"/> 820 COPYRIGHTS <input type="checkbox"/> 830 PATENT	<input type="checkbox"/> 400 STATE REAPPORTIONMENT <input type="checkbox"/> 410 ANTITRUST	<input type="checkbox"/> 400 STATE REAPPORTIONMENT
<input type="checkbox"/> 130	MILLER ACT	<input type="checkbox"/> 330 FEDERAL EMPLOYERS' LIABILITY	<input type="checkbox"/> 370 OTHER FRAUD <input type="checkbox"/> 371 TRUTH IN LENDING	<input type="checkbox"/> 835 PATENT-ABBREVIATED NEW DRUG APPLICATION <input type="checkbox"/> 840 TRADEMARK	<input type="checkbox"/> 420 RACKETEER INFLU- ENCED & CORRUPT ORGANIZATION ACT (RICO)	<input type="checkbox"/> 430 BANKS & BANKING
<input type="checkbox"/> 140	NEGOTIABLE INSTRUMENT	<input type="checkbox"/> 340 MARINE PRODUCT LIABILITY	<input type="checkbox"/> 380 OTHER PERSONAL INJURY	<input type="checkbox"/> 860 DEFEND TRADE SECRETS ACT <input type="checkbox"/> 880 HIA (1395f) <input type="checkbox"/> 882 BLACK LUNG (923)	<input type="checkbox"/> 450 COMMERCE	<input type="checkbox"/> 440 COMMERCIAL DEBT COLLECTION
<input type="checkbox"/> 150	RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	<input type="checkbox"/> 345 MARINE PRODUCT LIABILITY	<input type="checkbox"/> 385 PROPERTY DAMAGE PRODUCT LIABILITY	<input type="checkbox"/> 863 DIWC/DIWV (405(g)) <input type="checkbox"/> 864 SSID TITLE XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 460 DEPORTATION	<input type="checkbox"/> 480 CONSUMER CREDIT
<input type="checkbox"/> 151	MEDICARE ACT	<input type="checkbox"/> 350 MOTOR VEHICLE PRODUCT LIABILITY	<input type="checkbox"/> 463 ALIEN DETAINEE <input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	<input type="checkbox"/> 710 FAIR LABOR STANDARDS ACT <input type="checkbox"/> 720 LABOR/MGMT RELATIONS	<input type="checkbox"/> 485 TELEPHONE CONSUMER PROTECTION ACT	<input type="checkbox"/> 470 RACKETEER INFLU- ENCED & CORRUPT ORGANIZATION ACT (RICO)
<input type="checkbox"/> 152	RECOVERY OF DEFUNTED STUDENT LOANS (EXCL VETERANS)	<input type="checkbox"/> 355 MOTOR VEHICLE PRODUCT LIABILITY	<input type="checkbox"/> 530 HABEAS CORPUS <input type="checkbox"/> 535 DEATH PENALTY <input type="checkbox"/> 540 MANDAMUS & OTHER	<input type="checkbox"/> 740 RAILWAY LABOR ACT <input type="checkbox"/> 751 FAMILY MEDICAL LEAVE ACT (FMLA)	<input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 BLACK LUNG (923) <input type="checkbox"/> 863 DIWC/DIWV (405(g)) <input type="checkbox"/> 864 SSID TITLE XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 490 CABLE/SATELLITE TV
<input type="checkbox"/> 153	RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	<input type="checkbox"/> 360 OTHER PERSONAL INJURY	<input type="checkbox"/> 530 HABEAS CORPUS <input type="checkbox"/> 535 DEATH PENALTY <input type="checkbox"/> 540 MANDAMUS & OTHER	<input type="checkbox"/> 790 OTHER LABOR LITIGATION <input type="checkbox"/> 791 EMPL RET INC SECURITY ACT (ERISA)	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-THIRD PARTY 26 USC 7609	<input type="checkbox"/> 850 SECURITIES/ COMMODITIES/ EXCHANGE
<input type="checkbox"/> 160	STOCKHOLDERS SUITS	<input type="checkbox"/> 362 PERSONAL INJURY - MED MALPRACTICE	<input type="checkbox"/> 463 ALIEN DETAINEE <input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	<input type="checkbox"/> 740 RAILWAY LABOR ACT <input type="checkbox"/> 751 FAMILY MEDICAL LEAVE ACT (FMLA)	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-THIRD PARTY 26 USC 7609	<input type="checkbox"/> 880 OTHER STATUTORY ACTIONS
<input type="checkbox"/> 190	OTHER CONTRACT	<input type="checkbox"/> 463 ALIEN DETAINEE <input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	<input type="checkbox"/> 740 RAILWAY LABOR ACT <input type="checkbox"/> 751 FAMILY MEDICAL LEAVE ACT (FMLA)	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-THIRD PARTY 26 USC 7609	<input type="checkbox"/> 881 AGRICULTURAL ACTS	<input type="checkbox"/> 880 OTHER STATUTORY ACTIONS
<input type="checkbox"/> 195	CONTRACT PRODUCT LIABILITY	<input type="checkbox"/> 463 ALIEN DETAINEE <input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	<input type="checkbox"/> 740 RAILWAY LABOR ACT <input type="checkbox"/> 751 FAMILY MEDICAL LEAVE ACT (FMLA)	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-THIRD PARTY 26 USC 7609	<input type="checkbox"/> 883 ENVIRONMENTAL MATTERS	<input type="checkbox"/> 880 OTHER STATUTORY ACTIONS
<input type="checkbox"/> 196	FRANCHISE	<input type="checkbox"/> 463 ALIEN DETAINEE <input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	<input type="checkbox"/> 740 RAILWAY LABOR ACT <input type="checkbox"/> 751 FAMILY MEDICAL LEAVE ACT (FMLA)	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-THIRD PARTY 26 USC 7609	<input type="checkbox"/> 885 FREEDOM OF INFORMATION ACT	<input type="checkbox"/> 881 AGRICULTURAL ACTS
<input type="checkbox"/> 210	REAL PROPERTY	<input type="checkbox"/> 441 VOTING <input type="checkbox"/> 442 EMPLOYMENT <input type="checkbox"/> 443 HOUSING/ ACCOMMODATIONS	<input type="checkbox"/> 463 ALIEN DETAINEE <input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	<input type="checkbox"/> 740 RAILWAY LABOR ACT <input type="checkbox"/> 751 FAMILY MEDICAL LEAVE ACT (FMLA)	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-THIRD PARTY 26 USC 7609	<input type="checkbox"/> 886 ARBITRATION
<input type="checkbox"/> 220	LAND CONDEMNATION	<input type="checkbox"/> 442 EMPLOYMENT <input type="checkbox"/> 443 HOUSING/ ACCOMMODATIONS	<input type="checkbox"/> 463 ALIEN DETAINEE <input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	<input type="checkbox"/> 740 RAILWAY LABOR ACT <input type="checkbox"/> 751 FAMILY MEDICAL LEAVE ACT (FMLA)	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-THIRD PARTY 26 USC 7609	<input type="checkbox"/> 889 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
<input type="checkbox"/> 230	FORECLOSURE RENT LEASE & EJECTMENT	<input type="checkbox"/> 443 HOUSING/ ACCOMMODATIONS	<input type="checkbox"/> 463 ALIEN DETAINEE <input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	<input type="checkbox"/> 740 RAILWAY LABOR ACT <input type="checkbox"/> 751 FAMILY MEDICAL LEAVE ACT (FMLA)	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-THIRD PARTY 26 USC 7609	<input type="checkbox"/> 890 OTHER STATUTORY ACTIONS
<input type="checkbox"/> 240	TORTS TO LAND	<input type="checkbox"/> 444 AMERICANS WITH DISABILITIES - EMPLOYMENT	<input type="checkbox"/> 463 ALIEN DETAINEE <input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	<input type="checkbox"/> 740 RAILWAY LABOR ACT <input type="checkbox"/> 751 FAMILY MEDICAL LEAVE ACT (FMLA)	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-THIRD PARTY 26 USC 7609	<input type="checkbox"/> 891 AGRICULTURAL ACTS
<input type="checkbox"/> 245	TORT PRODUCT LIABILITY	<input type="checkbox"/> 446 AMERICANS WITH DISABILITIES - OTHER	<input type="checkbox"/> 463 ALIEN DETAINEE <input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	<input type="checkbox"/> 740 RAILWAY LABOR ACT <input type="checkbox"/> 751 FAMILY MEDICAL LEAVE ACT (FMLA)	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-THIRD PARTY 26 USC 7609	<input type="checkbox"/> 893 ENVIRONMENTAL MATTERS
<input type="checkbox"/> 290	ALL OTHER REAL PROPERTY	<input type="checkbox"/> 448 EDUCATION	<input type="checkbox"/> 463 ALIEN DETAINEE <input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	<input type="checkbox"/> 740 RAILWAY LABOR ACT <input type="checkbox"/> 751 FAMILY MEDICAL LEAVE ACT (FMLA)	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-THIRD PARTY 26 USC 7609	<input type="checkbox"/> 895 FREEDOM OF INFORMATION ACT
<input type="checkbox"/> 210	REAL PROPERTY	<input type="checkbox"/> 441 VOTING <input type="checkbox"/> 442 EMPLOYMENT <input type="checkbox"/> 443 HOUSING/ ACCOMMODATIONS	<input type="checkbox"/> 463 ALIEN DETAINEE <input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	<input type="checkbox"/> 740 RAILWAY LABOR ACT <input type="checkbox"/> 751 FAMILY MEDICAL LEAVE ACT (FMLA)	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-THIRD PARTY 26 USC 7609	<input type="checkbox"/> 896 ARBITRATION
<input type="checkbox"/> 220	LAND CONDEMNATION	<input type="checkbox"/> 442 EMPLOYMENT <input type="checkbox"/> 443 HOUSING/ ACCOMMODATIONS	<input type="checkbox"/> 463 ALIEN DETAINEE <input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	<input type="checkbox"/> 740 RAILWAY LABOR ACT <input type="checkbox"/> 751 FAMILY MEDICAL LEAVE ACT (FMLA)	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-THIRD PARTY 26 USC 7609	<input type="checkbox"/> 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
<input type="checkbox"/> 230	FORECLOSURE RENT LEASE & EJECTMENT	<input type="checkbox"/> 443 HOUSING/ ACCOMMODATIONS	<input type="checkbox"/> 463 ALIEN DETAINEE <input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	<input type="checkbox"/> 740 RAILWAY LABOR ACT <input type="checkbox"/> 751 FAMILY MEDICAL LEAVE ACT (FMLA)	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-THIRD PARTY 26 USC 7609	<input type="checkbox"/> 900 CONSTITUTIONALITY OF STATE STATUTES

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.  
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?  
IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint  
JURY DEMAND:  YES  NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

## (PLACE AN X IN ONE BOX ONLY)

- |   |   |   |   |  |   |   |
|---|---|---|---|--|---|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court  | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation (Transferred) | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge |
|   |   | <input type="checkbox"/> a. all parties represented       |   |  |   |   |
|   |   | <input type="checkbox"/> b. At least one party is pro se. |   |  |   |   |
|   |   |   |   |  | <input type="checkbox"/> 8 Multidistrict Litigation (Direct File) |   |

## (PLACE AN X IN ONE BOX ONLY)

- 1 U.S. PLAINTIFF     2 U.S. DEFENDANT     3 FEDERAL QUESTION     4 DIVERSITY  
(U.S. NOT A PARTY)

## IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

## CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [ ] 1	DEF [ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTFDEF [ ] 3 [ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [ ] 5	DEF [ ] 5
CITIZEN OF ANOTHER STATE	[ ] 2	[ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4 [ ] 4	FOREIGN NATION	[ ] 6	[ ] 6

## PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Melvin Alexander Lorenzo Duarte - Westchester County

## DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Empire Bagels, Inc. - 3101 Westchester Avenue, Bronx, NY, 10461  
 Empire Bagels Brewster Inc. - 1515 Route 22, Brewster, NY, 10509  
 Empire Bagels Carmel Inc.- 1906 U.S. 6 Carmel Hamlet, NY, 10512  
 Empire Bagels Cross River Inc. - 20 North Salem Road, Cross River, NY, 10518  
 Empire Bagels Fishkill Inc. - 738 Route 9, Fishkill, NY, 12525  
 Empire Bagels Harrison Inc. - 379 Halstead Avenue, Harrison, NY, 10528  
 Jay D'Angelo - c/o Empire Bagels, Inc. - 3101 Westchester Avenue, Bronx, NY, 10461

## DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

## COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  MANHATTAN

s/Louis Pechman

DATE 03/03/2022

SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

 YES (DATE ADMITTED Mo. 12 Yr. 1985)  
Attorney Bar Code # LP - 6395

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)